

**NORTH CAROLINA CRIMINAL JUSTICE
EDUCATION AND TRAINING STANDARDS COMMISSION**

MINUTES

DATE: August 17, 2018

TIME: 9:00 A.M.

LOCATION: Wake Technical Community College - Public Safety Education Campus
Raleigh, North Carolina

SUBMITTED BY: Steven G. Combs
Director

MEMBERS PRESENT

Chief Chris Blue
Captain Marianne Bond
Ms. Tasha Jones Butts
Sergeant Randy Byrd
Mr. Eddie Caldwell
Mr. David Dail
Chief Cerelyn Davis
Mr. Richard Epley
Captain Lee Farnsworth
Ms. Stephanie Freeman
Ms. Jane Gilchrist
Chief Tim Hayworth
Mr. Andrew Hendry
Chief Bill Hollingsed
Deputy Chief Brian James
Ms. Teresa Jardon
Mr. Steve Johnson
Mayor Bobby Kilgore
Chief Tim Ledford
Chief Jeff McCracken
Ms. Tracy McPherson
Mr. Nathan Mizell
Mr. Kenneth Mullen
Chief Ron Parrish
Mr. Trey Robison
Sergeant David Rose
Director Bob Schurmeier
Mr. Michael Slagle
Mr. Jeff Welty
Ms. Angela Williams

MEMBERS ABSENT

Ms. Leslie Cooley-Dismukes
Chief Robert Hassel
Mr. Brent Herron
Colonel Glenn McNeill

I. CALL TO ORDER

Commission Chairman Bill Hollingsed called the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to the following new members: Chief Cerelyn Davis with the Durham Police Department and Attorney Andrew Hendry, who was appointed by Governor Roy Cooper. Ms. Byrd administered the Oath of Office to the following reappointed members: Chief Chris Blue of Chapel Hill Police Department, who represents the North Carolina Police Executives Association; Mr. Trey Robison, who represents the North Carolina Conference of District Attorneys and Mayor Bobby Kilgore, who represents the North Carolina League of Municipalities. Chairman Hollingsed read the Ethics Responsibility into the minutes. He declared that a quorum was present and welcomed all visitors to the Commission meeting.

Commission Chairman Hollingsed personally thanked Ms. Joleigh Kelley and Mr. Jon Gregory for hosting the Commission at the Wake Technical Community College Public Safety Education Campus.

II. PRESENTATION OF RESOLUTION OF APPRECIATION

Commission Chairman Hollingsed entertained a motion to approve the Resolution of Appreciation for former Commissioner Ray Davis.

MOTION was made by Commissioner Mike Slagle to approve the Resolution of Appreciation for former Commissioner Ray Davis; seconded by Commissioner David Dail. The MOTION carried unanimously.

Chairman Hollingsed read the Resolution of Appreciation into the minutes. Mr. Davis stated that he really enjoyed working with the Commission and staff.

III. AWARDING OF ADVANCED CERTIFICATES [Agenda Memorandum No. 03-18]

Commission Chairman Hollingsed reported that staff had evaluated the applications of all two hundred and ninety-two (292) candidates. There were two hundred and twenty-five (225) candidates for the Advanced Law Enforcement Certificate and sixty-seven (67) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate and the Advanced Certificate pin.

MOTION was made by Commissioner Lee Farnsworth that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Trey Robison and carried unanimously.

The following individuals were present to personally receive their Advanced Law Enforcement or Advanced Criminal Justice Certificates:

Christina L. Ricks	Aberdeen Police Department Presented by Chief Timothy Wenzel
Bryan S. Martin	Claremont Police Department Presented by Commissioner Hollingsed
Terry R. Janifer	Durham Police Department Presented by Commissioners Cerelyn Davis and Marianne Bond
Quincey D. Tait	Durham Police Department Presented by Commissioners Davis and Bond
Terrance L. Phillips	Fayetteville State University Police Department Presented by Commissioner Hollingsed
Michael L. Moore	Forsyth Technical Campus Police Department Presented by Commissioner Hollingsed
Jason O. Adams	Goldsboro Police Department Presented by Commissioner Hollingsed
Melvin W. Smith	Goldsboro Police Department Presented by Commissioner Hollingsed
Jason M. Huey	Hillsborough Police Department Presented by Commissioner Hollingsed
Davis J. Trimmer	Hillsborough Police Department Presented by Commissioner Hollingsed

Joseph J. Barnes, Sr.	Morehead City Police Department Presented by Commissioner Hollingsed
Michael E. Williams, Jr.	N.C. Department of Insurance Presented by Commissioner Hollingsed
Matthew L. Wingo	NCDMV- License and Theft Bureau Presented by Commissioner Hollingsed
Aston Mitchell	Raleigh-Durham International Airport Police Department Presented by Commissioner Hollingsed
Terrence M. Atkinson	NCDPS/Division of Adult Correction Presented by Commissioners Angela Williams and Stephanie Freeman
Yolanda E. Avery	NCDPS/Division of Adult Correction Presented by Commissioners Angela Williams and Stephanie Freeman
Christian Clemmer	NCDPS/Division of Adult Correction Presented by Commissioners Angela Williams and Stephanie Freeman
LaTanga Lynch	NCDPS/Division of Adult Correction Presented by Commissioners Angela Williams and Stephanie Freeman
Jennell M. McCorkle	NCDPS/Division of Adult Correction Presented by Commissioners Angela Williams and Stephanie Freeman
Tanisha D. Satchell	NCDPS/Division of Adult Correction Presented by Commissioners Angela Williams and Stephanie Freeman
Montell Taylor	NCDPS/Division of Adult Correction Presented by Commissioners Angela Williams and Stephanie Freeman
Laketisha R. Tennione	NCDPS/Division of Adult Correction Presented by Commissioners Angela Williams and Stephanie Freeman
Jovon White	NCDPS/Division of Adult Correction Presented by Commissioners Angela Williams and Stephanie Freeman
Adis Boric	Mint Hill Police Department Presented by Commissioner Tim Ledford
Leon Nelson	Holly Springs Police Department Presented by Commissioner Hollingsed
Montrell Taylor	NCDPS/Division of Adult Correction Presented by Commissioners Angela Williams and Stephanie Freeman

Director Steven Combs presented an award of appreciation to interns Sabrin Wshah and Matthew Russell for their assistance in the new Criminal Justice Fellows Program as well as the 2018 School Director Conference and other duties within the office.

IV. ELECTIONS

A. Chairman

Vice-Chairman Eddie Caldwell presided over the Commission to take nominations for the office of Chairman.

MOTION was made by Commissioner David Rose to nominate Commissioner Hollingsed as Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner Ron Parrish and carried unanimously.

B. Vice-Chairman

Chairman Hollingsed presided over the Commission to take nominations for the office of Vice-Chairman.

MOTION was made by Commissioner Slagle to nominate Commissioner Caldwell, Vice-Chairman of the Education and Training Committee and Commissioner Kilgore seconded the motion.

MOTION was made by Commissioner Randy Byrd to nominate Commissioner Marianne Bond and Commissioner Tasha Jones Butts seconded that motion.

After a ballot was completed, Commissioner Caldwell was elected Vice-Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was 22-8.

C. Standing Committee Chairpersons

1. Education and Training Committee

MOTION was made by Commissioner Nathan Mizell to nominate Commissioner Freeman as Chairperson of the Education and Training Committee. The MOTION was seconded by Commissioner Williams and carried unanimously.

2. Planning and Standards Committee

MOTION was made by Commissioner Robison to nominate Commissioner Jeff Welty as Chairman of the Planning and Standards Committee. The MOTION was seconded by Commissioner Byrd and carried unanimously.

3. Probable Cause Committee

MOTION was made by Commissioner Tim Ledford to nominate Commissioner Tim Hayworth as Chairman of the Probable Cause Committee. The MOTION was seconded by Commissioner Parrish and carried unanimously.

4. Criminal Justice Fellows Program Committee

MOTION was made by Commissioner Steve Johnson to nominate Commissioner Mizell as Chairman of the Criminal Justice Fellows Program Committee. The MOTION was seconded by Commissioner Williams and carried unanimously.

V. MINUTES OF MAY 18, 2018 MEETING

Chairman Hollingsed entertained a motion to approve the minutes of the previous Commission meeting.

MOTION was made by Commissioner Blue that the Commission approve the minutes of the May 18, 2018 meeting as mailed. The MOTION was seconded by Commissioner Mizell and carried unanimously.

VI. STANDING COMMITTEE REPORTS**A. Executive Committee - Chairman Eddie Caldwell**

Chairman Caldwell asked the Commission members to review the handout of the Commission's By-Laws regarding participation by proxies at meetings. He explained that there could be a situation where both the Chairman and Vice-Chairman of a Standing Committee could not attend an Executive Committee meeting and needed someone to represent their Standing Committee at the Executive Committee meeting. Under the Commission's current By-Laws, no one else could be designated to attend and represent the Standing Committee at the Executive Committee meeting.

MOTION was made by Commissioner Caldwell that the By-Laws be amended in Part III C. 10. C. (3) to add: "except the following, the Chairman of the Probable Cause Committee, the Planning and Standards Committee, and the Education and Training Committee may designate another member of their Committee as a proxy to represent and vote for them only at meetings of the Executive Committee"; seconded by Commissioner Farnsworth. The MOTION carried unanimously.

Chairman Caldwell stated that the Executive Committee discussed the Commission dates for next year. The new dates for 2019 are: February 13-15, 2019, May 22-24, 2019, August 14-16, 2019 and November 20-22, 2019. These meetings will be held at the Wake Technical Community College Public Safety Education Campus.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee to approve the 2019 dates for the Commission meetings; seconded by Commissioner Parrish. The MOTION carried unanimously.

Chairman Caldwell reported that three administrative hearings were discussed in which two cases were where commission members identified parts of the administrative code that needed amended and/or clarified. The Commission asked staff and legal counsel to draft a proposal to clearly regulate personal relationships among: (1) Instructors and their students; (2) Supervisors and the employees that they supervise; (3) Field training officers and the personnel that they are training; and (4) Any other categories of personnel and present this proposal at the next meeting in November.

Chairman Caldwell explained that there was an officer that was previously employed by the Division of Adult Correction and certified as a correctional officer through subchapter 9G of Title 12 of the North Carolina Administrative Code. The Commission found in discussion felonies and misdemeanor differences and discrepancies for correctional officers as far as the code reads for an applicant versus current certified correctional officers. The Commission asked staff and legal counsel to draft administrative rule changes for discussion at the next meeting in November that will address the ability of applicants under Subchapter G of Title 12 of the North Carolina Administrative Code (Correction Personnel) to be certified after the commission or conviction of a felony, including but not limited to Rules 09G .0504, .0505 and .0206. Also, the Commission asked staff to explain how the current rule for correctional officer applicants compare to existing rules for: (1) applicants for other categories of criminal justice personnel certified by the Commission; and (2) all categories of criminal justice personnel with existing certifications from the Commission.

Chairman Caldwell asked Director Steven Combs to give an update on the Criminal Justice Standards Division. A copy of his written report is attached.

Chairman Caldwell asked Director Trevor Allen to give an update on the Justice Academy. A copy of his written report is attached.

B. Education and Training Committee – Chairperson Stephanie Freeman

Chairperson Freeman reported that the Education and Training Committee met on Wednesday, August 15, 2018 at Wake Technical Community College, Raleigh, North Carolina.

Chairperson Freeman reported that on behalf of the School Accreditation Subcommittee, Deputy Director Michelle Schilling with the Criminal Justice Standards Division requested the accreditation of Brunswick County Sheriff's Office – SMI and approved the recommendation.

Ms. Schilling reported that the Martin Community College requested reaccreditation of their BLET program. After monitoring their current records they remained compliant. The Committee approved the request.

Ms. Schilling reported that the Robeson Community College requested reaccreditation for their BLET, General Instructor and Speed Measuring Instrument (SMI) programs. A safety issue was identified with their firearms range; however, they are able to obtain another range with Southeastern Community College to continue their mandated courses until the range is repaired.

Ms. Schilling reported that Mitchel Community College requested reaccreditation for their BLET and SMI programs. Wilson Community College requested reaccreditation for BLET, General Instructor and SMI. Both agencies met the requirements for a five year reaccreditation.

In addition, Kill Devil Hills Police Department commission courses have expired and they asked that they no longer offer the SMI program. The Committee approved this request.

Chairperson Freeman reported that Commissioner Steve Johnson asked the Committee to review training hours versus credit hours for the Concealed Carry Training Course. He explained that rule 12 NCAC 09F .0102 - requires eight (8) hours of training. The Committee approved not to change the rule.

Chairperson Freeman reported that Laurie Austen, Training Manager with the N.C. Justice Academy presented an update on minor revisions to the Instructor Training Curriculum. Commissioner Tracy McPherson shared some concerns from agencies regarding the General Instructor curriculum revisions and delivery of materials. Chairperson Freeman advised that these concerns would be reviewed.

Next, Chairperson Freeman reported that on behalf of the Criminal Justice Standards Division, Jason McIntyre, SMI Program Administrator provided an audit report of the Raleigh Police Department. Mr. McIntyre gave a brief update on the ongoing statewide SMI Agency Audit Process.

Chairperson Freeman reported that Deputy Director Michelle Schilling of the Criminal Justice Standards Division updated the Committee on the Instructor completion for 2017. She reported that an audit had been completed with a total of 387 instructors that failed to complete the renewal course.

Chairperson Freeman reported that Director Allen of the Justice Academy reported that topic titles with the curriculum were updated to the current Rule 12 NCAC 09B .0205 – Basic Law Enforcement Training.

In closing, Chairperson Freeman reported that Ms. Schilling announced that the 2018 annual School Director's Conference is scheduled for August 20-22, 2018.

C. Planning and Standards Committee – Chairman Jeff Welty

Chairman Welty reported that the Planning and Standards Committee met on August 15, 2018 at Wake Technical Community College Public Safety Center.

Chairman Welty reported that the minutes of the May meeting were approved as written.

Chairman Welty reported that the Committee conducted a rule making hearing for twenty-one (21) proposed rule revisions.

MOTION was made by Commissioner Welty that the Commission adopt the following rule revisions: Rule 12 NCAC 09B .0101 – Minimum Standards for Criminal Justice Officers – The revision corrects a legal citation in the moral character rule. Rule 12 NCAC 09B .0203 – Admission of Trainees – The revision amends the rule requiring trainees to have at least a 10th grade reading level to refer to the current assessment used by the community college system (NROC Edready Skills Inventory for English). Rule 12 NCAC 09B .0205 – Basic Law Enforcement Training – revise changes to topic hours recommended by the BLET Committee. The Committee voted against excluding the Sheriff-Specific Unit from BLET. Rule 12 NCAC 09B .0313 – Certification Training for School Resource Officer – This rule requires the School Resource Officer to complete a 40-hour SRO course offered by the Justice Academy within one year of assignment as a School Resource Officer. Rule 12 NCAC 09C .0103 – Divulging Personnel Information - The revision is to allow the Director of the Standards Division to release information about officers in accordance to state personnel laws. Rule 12 NCAC 09C .0208 – Report of Separation - This rule will require agencies to submit a report of separation within 10 days of separation of an officer. Rule 12 NCAC 09C .0305 – Report of Separation will be repealed. Rule 12 NCAC 09C .0307 – Agency Retention of Records of Certification – The agency must keep officers with probationary and general certification and add a requirement to keep the Report of Appointment form and the oath of office. The Committee asked staff to research if there is a period specified in the records retention schedule promulgated by the State Archives and if this should be added to this rule. Rule 12 NCAC 09C .0310 – Agency Reporting of Drug Screening Results – The revision requires an agency to keep a copy of an officer’s drug screen panel itself, not merely the positive or negative result. Rule 12 NCAC 09D .0203 – Basic Criminal Justice Certificate – repeal as the intermediate certificate is the first earned certificate. Rule 12 NCAC 09E .0105 – Minimum Specifications: Annual In-Service Training – revise by inserting the words “these topics” after “requirement” on line 24. The revision would adjust the hours and topics for 2019 based on the recommendations of the In-service Training Committee and all national certification programs run by IADLEST to count towards “Chief’s Choice” hours. Rule 12 NCAC 09G .0102 – Definitions – revise “misdemeanor” for correction officers and update the listed misdemeanors, for example, to include their current statutory names and citations. Rule 12 NCAC 09G .0103 – Rule Making and Administrative Hearing Procedures – Revise the length of time a correction officer has to request a contested hearing from 60 days to 30 days as provided by statute. 12 NCAC 09G .0302 – Notification of Criminal Charges/Convictions – revise to clarify the rules for correctional officer reporting arrests, convictions and domestic violence protection orders, etc. 12 NCAC 09G .0304 – General Certification – revise to allow certified correction officer who move in a non-certified position for other than disciplinary reasons and later move back into a certified position to be certified without taking basic training again. 12 NCAC 09G .0306 – Retention of Records of Certification – the revision would expand the list of records that Department of Juvenile Justice is required to maintain for each officer. The Committee asked staff to verify if a specified time period is promulgated by the State Archives and if so, add to the rule. 12 NCAC 09G .0504 – Suspension: Revocation or Denial of Certification – the revision replaces the current definition of good moral character. 12 NCAC 09G .0505 – Period of Suspension: Revocation or Denial – revise the rule to new name of: “Division of Adult Correction & Juvenile Justice”. 12 NCAC 09G .0603 – Basic Corrections Certificate – repeal the rule as the intermediate certificate is the first earned certificate; and 12 NCAC 09G .0701 – Report: Application and Certification

Forms – the revision corrects the rule to include the current name of Division of Adult Correction & Juvenile Justice; seconded by Commissioner Robison. The MOTION carried unanimously.

Chairman Welty requested minor changes to the interpretive rule regarding current job titles and to add a new certified job titled, “Juvenile Court Services Field Specialist.”

MOTION was made by Commissioner Welty that the Commission adopt minor changes to the rule to reflect current job titles and to add “Juvenile Court Services Field Specialist”; seconded by Commissioner Robison. The MOTION carried.

Chairman Welty reported that Division of Adult Correction & Juvenile Justice requested a new job titled, “Chief of Special Operations”; however, this request was tabled until the November meeting to gather additional information.

Chairman Welty requested rule making authority for Rule 12 NCAC 09B .0101 – Minimum Standards for Criminal Justice Officers and Rule 12 NCAC 09G .0302 – Notification of Criminal Charges.

MOTION was made by Chairman Welty that the Commission adopt amending rule 12 NCAC 09B .0101 – Minimum Standards for Criminal Justice Officers – the proposed change would delineate the reporting requirements (arrest charges and 50B orders, etc.) and strengthen the reporting timelines. Rule 12NCAC 09G .0302 – Notification of Criminal Charges/Convictions – the change clarifies the reporting requirements and tightens timelines to be consistent with the proposed change to the new law enforcement rule; seconded by Commissioner Robison. The MOTION carried.

Chairman Welty reported that the Committee reviewed rule 12 NCAC 09B .0301 and 09G .0307 in which the Committee asked staff to review both the law enforcement rule and the Division of Adult Correction rule to ensure consistency for good moral character and bring a proposal to the Commission in November.

Next, Chairman Welty reported that staff asked the Committee to review the Commission forms regarding the Giglio issues. The Committee deferred consideration for language until the Conference of District Attorneys has been consulted and further discussion at the November meeting.

Chairman Welty reported that staff has not received any public comments for the proposed classification of rules adopted over the past meetings.

MOTION was made by Commissioner Welty that the Commission adopt the proposed classifications as set forth by the Commission; seconded by Commissioner Richard Epley. The MOTION carried.

Lastly, Chairman Welty noted that the Planning and Standards Committee voted to change the meeting time from 10:30 am to 10:00 am.

Probable Cause Committee – Chairman Tim Hayworth

Chairman Hayworth reported that the Probable Cause Committee met on Wednesday, August 15th and Thursday, August 16, 2018 at Wake Technical Community College, Raleigh, North Carolina.

Chairman Hayworth reported that the minutes of May 16th and May 17, 2018 were approved as presented.

Chairman Hayworth reported that on Wednesday, May 16, 2018, fourteen officers/applicants were on the agenda with a total of 18 alleged violations of the Administrative Code. No probable cause was found against seven officers/applicants involving thirteen allegations. Probable Cause was found in the case of two officers involving three allegations. Probable Cause was found against one other officer involving one allegation with the offer of a lesser sanction of a written reprimand. On Thursday, May 17th, fifteen officers/applicants were on the agenda with a total of twenty allegations. One case was continued. No probable cause was found in the case of eight officers/applicants involving ten alleged allegations. Probable Cause was found in the case of four officers/applicants involving five alleged violations. Probable Cause was found against two officers involving four alleged violations with the offer of a lesser sanction of a written reprimand.

MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 18/054; seconded by Commissioner Parrish. The MOTION carried unanimously.

MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 18/068; seconded by Commissioner Parrish. The MOTION carried unanimously.

MOTION was made by Commissioner Hayworth that the Commission accept the lesser sanction of agreement for Memorandum Number 18/074; seconded by Commissioner Williams. The MOTION carried unanimously.

Chairman Hayworth reported that three officers were certified after having committed a criminal offense by the Criminal Justice Standards Division.

E. CJ Fellows Program Committee – Chairman Nathan Mizell

Chairman Mizell reported that this was the very first meeting of the Criminal Justice Fellows Program Committee. He reported that Director Combs gave a brief overview of the program.

Chairman Mizell reported that Ms. Erica Reid, with the Criminal Justice Standards Division noted the work that had been completed which consisted of: forms for review, PowerPoints for marketing, gathering of directory of school boards and high schools to place marketing in the right direction.

Chairman Mizell reported that the program has been posted on the CFNC.org website. Under recommendation of Director Combs, Ms. Reid was nominated and approved as the Program Manager. Chairman Mizell reported that January 1, 2019 was approved as the opening date for applications.

Chairman Mizell reported that 65 eligible counties were currently approved for the fellowship program. He explained that the students must be from an eligible county and working in an eligible county. The Committee's proposal is to move forward and expand this program to all counties during the 2019 legislative session.

Lastly, Chairman Mizell reported that decisions would be made by the Criminal Justice Fellows Committee and would not need approval from the Commission.

VII. OTHER BUSINESS

Director Combs reported that a Committee was reviewing State Law Accreditation much like Common Accreditation for Law Enforcement Agencies (CALEA). Director Combs stated that surveys were sent out along with speaking to the N.C. Association of Chiefs of Police and the N.C. Police Executives Association and received positive feedback. Director Combs noted that these Departments wanted to meet certain standards but the cost of going through CALEA was very expensive. He noted that he had spoken with the Sheriff's Association and they are very interested in this process. Director Combs reported that additional information would be presented at the November meeting. Commissioner Hollingsed stated that there are currently 26 states that offer accreditation through their state's commission. After discussion, legal staff was asked to research the authority of accreditation of the Commission and create a rule for accreditation if feasible.

VIII. OLD BUSINESS

Ms. Whitney Belich introduced a new staff member, Mr. Jason Caccamo, Assistant Attorney General with the Law Enforcement Liaison section. Ms. Whitney noted that he would be assisting wherever needed within the section. Ms. Belich distributed a document entitled "Pending Administrative Cases" for the membership's review.

IX. DATE OF NEXT MEETING

Commission Chairman Hollingsed advised that the next Commission meeting is scheduled for November 28-30, 2018 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

X. MOTION TO ADJOURN

MOTION was made by Commissioner Kilgore that the Commission adjourn; seconded by Commissioner Mizell. The MOTION carried unanimously.